I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN DAC

Qated: September 25, 2008

Signature: (Aaron S. Eckenthal)

Docket No.: IMCLON 3.3-070

(PATENT)

SEP 29 2008

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Patent Application of:

Ćhen et al.

Application No.: 10/564,267

: Confirmation No.: 8844

Filed: January 9, 2006

: Art Unit: 1625

For: Heterocyclic Compounds And

: Examiner: Not Yet Assigned

Their Use As Anticancer Agents

Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

### PETITION UNDER 37 C.F.R. § 1.47(a)

Dear Sir:

The above captioned patent application names Xiaoling Chen, Hai-Ying He, Joel Kawakami, Alexander Kiselyov, Xiaohu Ouyang, Vatee Pattaropong, Evgueni Piatnitski, Maria Carolina Tuma and John Kincaid as co-inventors. Co-inventor Hai-Ying He has not executed the enclosed declaration.

Applicants therefore respectfully submit the following information and fees in support of a petition under 37 C.F.R. § 1.47(a) to go forward with the application without co-inventor Hai-Ying He's declaration:

- 1. Attachment A DECLARATION OF AARON S. ECKENTHAL AND STATEMENT OF FACTS UNDER 37 C.F.R. § 1.47(A) that co-inventor Hai-Ying He could not be found or reached after diligent effort;
- Attachment B DECLARATION OF MARIA CAROLINA TUMA AND STATEMENT OF FACTS UNDER 37 C.F.R.

§ 1.47 that co-inventor Hai-Ying He could not be found or reached after diligent effort;

- 3. Charge Deposit Account No. 12-1095 the fee in the amount of \$130 as set forth in 37 C.F.R. § 1.17(h); and
- 4. The last known address at which co-inventor Hai-Ying He resided is-

3552 12th Avenue Brooklyn, NY 11218

In view of the foregoing, Applicants respectfully request that the petition under § 1.47(a) be granted.

In the event that any additional fees are due in connection with this Petition, the Commission is hereby authorized to charge Deposit Account No. 12-1095 therefore.

Dated: September 25, 2008

Respectfully submitted,

Aaron S. Eckenthal

Registration No.: 58,891 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP 600 South Avenue West Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

Docket No.: IMCLON 3.3-070 (PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application  $\overline{\text{of:}}$ Chen et al.

Application No.: 10/564,267

: Confirmation No.: 8844

Filed: January 9, 2006

: Art Unit: 1625

For: Heterocyclic Compounds And : Examiner: Not Yet Assigned

Their Use As Anticancer Agents :

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### DECLARATION OF AARON S. ECKENTHAL

- I, AARON S. ECKENTHAL, hereby declare as follows:
- I am an associate with the law firm Lerner David Littenberg Krumholz & Mentlik, LLP and registered to practice before the United States Patent and Trademark Office, Registration No. 58,891. I am assisting in the prosecution of the captioned patent application ("the Application").
- 2. My declaration is made in support of Applicants' Petition to file the Declaration in the Application without the signature of Hai-Ying He because he could not be located after diligent efforts.
- I have firsthand knowledge that diligent efforts were made to contact Hai-Ying He for his signature on the Declaration in the Application.
- The Application was filed on July 9, 2004 naming 4. nine joint inventors: Xiaoling Chen, Hai-Ying He, Joel Kawakami, Alexander Kiselyov, Xiaohu Ouyang, Vatee

Application No.: 10/564,267 Docket No.: IMCLON 3.3-070

Pattaropong, Evgueni Piatnitski, Maria Carolina Tuma and John Kincaid.

- 5. On April 18, 2008, Applicants' former counsel filed a declaration signed by the following inventors: Xiaoling Chen, Hai-Ying He, Joel Kawakami, Alexander Kiselyov, Xiaohu Ouyang, Vatee Pattaropong, Evgueni Piatnitski, Maria Carolina Tuma. (Exhibit A).
- 6. On August 25, 2008 a Notification of Defective Response was mailed to my firm. The notice indicated a response time of one month from the date of the Notification. It was determined that the oath sent in by the previous attorney was not legible. Specifically, names and addresses were not clear. Joel Kawakami's address was changed and hand written; Evgueni Piatnitski's name was changed to Eugene L. Piatnitski Checkler without documentation; and John Kincaids signature was not on the declaration. (Exhibit B). That declaration was executed by Hai-Ying He.
- 7. I have been unable to locate Hai-Ying He during the one month response time given in the Notification of Defective Response mailed on August 25, 2008.
- 8. I spoke with Maria Carolina Tuma, a co-inventor on the captioned Application, who advised me that Hai-Ying He had moved to China. Maria Carolina Tuma supplied me with Hai-Ying He's last known email address, which is haiying\_he@yahoo.com. I tried to contact Hai-Ying He at his last known email address with no success.
- 9. I also performed a search on whitepages.com, which yielded one entry for the name Hai-Ying He. (Exhibit C). It is unclear if this is the same Hai-Ying He listed as an

Docket No.: IMCLON 3.3-070

Application No.: 10/564,267

inventor in the Application. Nevertheless, I called the listed number and a recording advised that the number is disconnected.

- 10. In addition, I called general information (411) and was advised there is no listing for a Hai-Ying He at his last known address of 3552 12th Avenue, Brooklyn, NY 11218. In fact, the operator advised there is no listing for a Hai-Ying He in Brooklyn or the surrounding area.
- 11. Based on the foregoing, it is evident that Hai-Ying He cannot be found and as a result cannot sign the newly prepared Declaration in the Application.
- 12. I further declare that all statements made herein of my knowledge are true, except for those statements made on information and belief, which are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this declaration, the Application, and any patent resulting therefrom.

Dated: September 25, 2008

Respectfully submitted,

Aaron S. Eckenthal

Registration No.: 58,891 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP 600 South Avenue West Westfield, New Jersey 07090 (908) 654-5000

Attorney for Applicant

# Attachment B

Docket No.: IMCLON 3.3-070 (PATENT)

### IN THE UNITED STATES FATENT AND TRADEMARK OFFICE

In re Parent Application of: Chen et al.

Application No.: 10/564,267

: Confirmation No.: 8844

Filed: January 9, 2006

: Art Unit: 1625

For: Heterocyclic Compounds And : Examiner: Not Yet Assigned Their Use As Anticancer Agents :

MS Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22513-1450

### DECLARATION UNDER 37 C.F.R. 8 1.47

- I, MARIA CAROLINA TUMA, hereby declare as follows:
- I am a Senior Scientist in the Department of Cell Biology at ImClone Systems Incorporated located at 180 Varion Street, New York, NY 10014 and one of the inventors of the captioned parent application.
- Hai-Ying He, a former employee at ImClone Systems Incorporated is also an inventor of the captioned application.
- The captioned application was filed July 9, 2004 and has the following nine joint inventors: Xiaoling Chen, Hai-Ying He, Joel Kawakami, Alexander Kiselyov, Xiaohu Ouyang, Vates Pattarcpong, Evgueni Piatnitski, Maria Carolina Tuma and John Kincaid.
- On Aril 18, 2008 I executed a declaration in the captioned patent application, (Exhibit A).
- Subsequently, I was advised that a new declaration needed to be executed in the captioned patent application because it was determined, among other reasons, that the

Application No.: 10/564,267 Docket No.: IMCLON 3.3-070

original Declaration was not legible and John Kincaid, one of the inventors was not listed on the originally filed Declaration.

- 6. I, along with 7 of the other joint inventors in the captioned application signed a new Declaration.
- 7. I am unaware as to the whereabouts of Hai-Ying He, one of the joint inventors of the captioned application. I have contacted Xiaohu Ouyang, another joint inventor on the captioned application, to inquire as to the whereabouts of Hai-Ying He Xiaohu Ouyang is the only joint inventor on the captioned application to have contact with Hai-Ying He after Hai-Ying He left ImClone Systems Incorporated. I was advised by Xiaohu Ouyang that Hai-Ying He had moved to China. Xiaohu Ouyang had no further contact information for Hai-Ying He.
- 8. I have made a diligent effort to contact Hai-Ying He at his last known email address, halying\_he@yahoo.com, without any success. I also provided this email address to our attorney, Mr. Aaron S. Eckenthal, in the hopes that Mr. Eckenthal would be able to contact him.
- 9. Based on the foregoing, it is evident that Hai-Ying He cannot be found and as a result cannot sign the newly prepared Declaration in the captioned Application.
- of my own knowledge are true, except for those statements made on information and belief, which are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the declaration, the Application, and any patent resulting therefrom.

Dated: 09/25/06

MARIA CAROLINA TUMA

# Exhibit A

DOCKET NO. 1017.39276-UST

### DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

and was amended on \_\_\_\_

My residence, post office address and citizenship are as stated below; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NETEROCYCLIC COMPLINDS AND THEIR USE AS ANTICANCER AGENTS

which is claimed and for which a patent is sought on the invention entitled:
HETEROCYCLIC COMPUNDS AND THEIR USE AS ANTICANCER AGENTS

the specification of which (check only one item below):

is attached hereto.

X was filed as United States Application No. of as PCT International Application No. 10/564267 on January 9, 2006

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above.

\_(if applicable).

Lacksowledge the duty to disclose information known to me to be material to parentability of this application as defined by 37 CFR 1.56.

# FOREIGN AND DOMESTIC PRIORITY CLAIMS UNDER 35 USC 119 AND PRIOR FOREIGN/PCT APPLICATIONS

I hereby claim foreign or domestic priority benefits under 35 USC 119 or 365(b) for any United States provisional patent application or foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or under 35 USC 365(a) for any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter flaving a filing date before that of the application(s) of which priority is claimed:

COUNTRY/APPLICATION NO.	DATE OF FILING (day/mjonth/year)	PRIORITY CLA 35 USC	
(if PCT, indicate "PCT")	07/09/2003	[X]YES	INO
US 60/485,963	0,1,5,12,00	TYES	[ ]NO
		1 YES	[ ] NO
	·	I IYES	] NO

# PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120:

I hereby claim the benefit under 35 USC 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 which occurred between the filling date of the prior application(s) and the national or PCT international filing date of this application:

PCT/US APPLICATION NO.	PCT/US FILING DATE	PATENTED	PENDING	ABANDONED
PCT/US2004/022226	97/09/2004		[X]	
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	<u> </u>	<del></del>		

I hereby appoint the following attorneys at the address listed below to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected there with and to receive all correspondence in connection with this application:

Donald C. Lucas, Registration No. 31,275 Michael N. Mercanti, Registration No. 33,966 Timothy D. Meade, Registration No. 55,449 Laurence Manber, Registration No. 35,597 Otho B. Ross, Registration No. 32,754 Yaodong Chen, Registration No. L0267 Hyun Soon Cho, Registration No. L0306

ADDRESS:

Lucas & Mercami, LLP 475 Park Avenue South New York, NY 10016 Tel: 212-661-8000 Fax: 212-661-8002

CUSTOMER NO. 20311

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under IR USC 1001 and that such willful false statements may feoperalize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR XIAMING CHEM	
INVENTOR'S SIGNATURE	DATE 4/15/08
RESIDENCE 1051 73rd Street, Brooklyn, NY 11228, US	CITIZENSHIP Canada
POST OFFICE ADDRESS	
FULL NAME OF SECOND INVENTOR HEI-YING HE	
INVENTOR'S SIGNATURE	DATE
RESIDENCE_ 3552 12th Avenue, Brooklyn, NY 11218, US	CITIZENSHIP China.
POST OFFICE ADDRESS	
FULL NAME OF THIRD INVENTOR JOH KAWAKAMI	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 91 Morris Avenue, West Milford, NJ 07480, US	CITIZENSHIP United States
POST OFFICE ADDRESS	
10010111011	
FULL NAME OF FOURTH INVENTOR Alexander KISELYOV	
INVENTOR'S SIGNATURE	DATE
	CITIZENSHIP Ukraine
RESIDENCE 4203 Shorepointe Way, San Diego, CA 92130, US	CHIZENSHIP
POST ÖFFICE ADDRESS	

FULL NAME OF FIFTH INVENTOR XBONG OUYANG	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 2802 Persons Boulevard, Flushing, NY 11354, US	CITIZENSHIP China
POST OFFICE ADDRESS	
FULL NAME OF SIXTH INVENTOR Valee PATTAROPONG	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 485 Salm Peter Drive, New Madrid, MO 63869, US	CTTIZENSHIP United States
POST OFFICE ADDRESS	
FULL NAME OF SEVENTH INVENTOR Evgueni PLATNITSKI	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 568 East 7th Street, Brooklyn, NY 11230, US	CITIZENSHIP Russia
POST OFFICE ADDRESS	<u> </u>
FULL NAME OF EIGHTH INVENTOR Maria Carolina TUMA	
INVENTOR'S SIGNATURE	DATE
	CITIZENSHIP Brazil
POST OFFICE ADDRESS	
FULL NAME OF NINTH INVENTOR	
INVENTOR'S SIGNATURE	
RESIDENCE	CÎTIZENSHIP
POST OFFICE ADDRESS	

#### DOCKET NO. 1017.39276-USI

#### DECLARATION AND POWER OF ATTORNEY

As a below numed inventor, I heraby declare that:

My residence, post office address and critzenship are as stated below; I believe I am the original, first and sole inventor (If only one name is listed below) or an original, first and joint inventor (If pluts) manes are listed below) of the subject matter which is claimed and for which a potent is sought on the invention enabled.

HETEROCYCLIC COMPUMDS AND THEIR USE AS ANTICANCER AGENTS

the specification of which (check only one item below):

	is attached herefo.	
	was filed as United States Application No. or as PCT Intertailined Application No. 10/564267 on January 9, 2006 immedial on	
i jeseby expender	sink that I have reviewed and understand the consens of the above sideralited application, including the claims, as I by may around ment referred to above.	
l ≥cksor 37 CFR	ledge the duty to displace information known in me to be material to peleutability of this application as defined by 1.56	

### "FOREIGN AND DOMESTIC PRIGRITY CLAIMS UNDER 15 USC 119 AND PRIOR FOREIGR/PCT APPLICATIONS

I hereby dain foreign or domestic priority benefits trider \$3 USC 119 or \$65(b) for any United States provisional potent application or foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or under \$5 USC \$65(a) for any \$70° international application(s) designating at least one country other than the United States of America listed below any foreign application(s) for patent of inventor's or plant breader's rights certificate(s) or any \$70° international application(s) designating at least one country other than the United States of America filed by me on the same solviers matter having a filing date before that of the application(s) of which priority is channed:

COUNTRY/APPLICATION NO. (if PCT, indicate "PCT")	DATE OF FILING (day/month/year)	FRIORITY CLA	
US 60/485,963	07/09/2003	[X]YES	[ IND:
<b>*</b>		[ ]YES	[ ] NO
		[ ] YES	[]160
		YES	1 NO

### PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 124

I hereby claim the benefit under 35 USC 120 of any United States application(s) or PCT interactional application(s) designating the United States of America that is/are listed below and, insoftr as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 USC 112, I acknowledge the day to disclose material information as defined in 37 CFR 1.36 which occurred between the filing date of the prior application(s) and the mational or PCT international filing date of this application:

PCT/US APPLICATION NO.	PCT/US FILING DATE	PATENTED	PENDING	ABANDONED
PCT/US2004/022226	97/09/2004	[].[	DX ]	
			[]	

1

I hereby appoint the following attempts at the address listed below to proscoute this application and to transect all business in the U.S. Peters and Trademack Office connected there with and to receive all correspondence in connection with this application:

Donald C. Lucas, Registration No. 31,275 Michael N. Mercani, Registration No. 33,966 Tanothy D. Meade, Registration No. 55,449

ADDRESS:

Lippis & Mertanni, LLP 473 Park Avenue South New York, NY 10076 Tel; 212-661-8000 Fac: 212-661-8002 Laurence Member, Registration No. 35,597 Othe B. Rott, Registration No. 32,754 Yandong Chen, Registration No. L0267 Hydn Soon Cib, Registration No. L0306

**CUSTOMER NO. 20311** 

I hearly declare that all statements made hearly of my own knowledge are true sed that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like to made are punishable by fine or imprisonment, or both, made 18 USC 1001 and that such willful false statements may jeopendize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR PIRST INVENTOR REGING CHEN	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 1051 F3rd Street, Broadlyn, NY 11228, US	CITIZENSHIP Careda
POST OFFICE ADDRESS	
FILL NAME OF SECOND INVENTOR HELYING HE	
INVENTOR'S SKINATURE HOW'S he	DATE APV: 14 2018
RESIDENCE 3552:128 Avenue, Brooklyn, NY 11218, US	CITIZENSHIP CHICA
POST OFFICE ADDRESS	·
FULL NAME OF THIRD INVENTOR LOG KAWAKAM	
enventor's signature	DATE
RESIDENCE 91 Monts Avenue, West Millord, NJ 07480, US	CITIZENSKIP United States
POST OFFICE ADDRESS	
FULL NAME OF FOURTH INVENTOR. Alexander KISELYOU	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 4203 Shorappinia Way, San Diego, CA 92190, US	CITIZENSHIP Ukraina
POST ÖFFICE ADDRESS	

FULL NAME OF FIFTH INVENTOR XINDHU OLYMIG	
INVENTOR'S SIGNATUILE	DATE
RESIDENCE 2802 Passons Boulevert, Falshing, NY 11354, US	
POST OFFICE ADDRESS	
FULL NAME OF SIXTH INVENTOR Value PATTAROPONG	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 466 Salot Peter Drive, New Medital, MO 65666, US	
POST OFFICE ADDRESS	
FULL NAME OF SEVENTH INVENTOR - BY DUM PHINGERS	
INVENTOR'S SIGNATURE	DATE
and an included the second of	CITIZENSHIP Russia
POST OFFICE ADDRESS	
FULL NAME OF EIGHTE INVENTOR MANA CORNER TUMA	
INVENTOR'S SIGNATURE	DATE
	CITIZENSHIP BROZE
POST OFFICE ADDRESS	
FULL NAME OF NENTH INVENTOR	
NYENTOR'S SIGNATURE	
GSIDENCE	
POST OFFICE ADDRESS	

DOCKET NO. 1017.39276-US1

### DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention emitted.

HETEROCYCLIC COMPUNDS AND THEIR USE AS ANTICANCER AGENTS

the specification of which (check only one item below):

	is attached hereto.
X.	was filed as United States Application No. or as PCT International Application No. 10/564267 on January 9, 2006 amended on (if applicable).
l bereby	siate that I have reviewed and understand the contents of the above identified application, including the claims, as I by any anapplanent referred to above.
	a state of the second of the s

I acknowledge the duty to disclose information known to me to be material to patentiality of this application as defined by 37 CFR 1.56.

### FOREIGN AND DOMESTIC PRIORITY GLARMS UNDER 35 USC 119 AND PRIOR FOREIGN/PCT APPLICATIONS

I hereby claim foreign or domestic priority benefits under 35 USC 119 or 365(b) for any United States provisional patent application or foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or under 35 USC 365(a) for any application or foreign application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or any PCT also identified below any foreign application(s) designating at least one country other than the United States of America filed by me on the same international application(s) designating at least one country other than the United States of America filed by me on the same subject matter flaving a filing date before that of the application(s) of which priority is claimed:

COUNTRY/APPLICATION NO.	DATE OF FILING (day/month/year)	PRIORITY CLA 35 USC	MED UNDER
(if PCT, indicate "PCT") US 60/485,963	07/09/2003	[ X ] YES	[ ]NO
		] YES	110
		YES	INU

# PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 128

I hereby claim the benefit under 35 USC 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insoftr as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 USC 112, I acknowledge the disty to disclose material information as defined in 37 CFR 1.36 which occurred between the fitting date of the prior application(s) and the national or PCT international filing date of this application:

February ICATIONING	PCT/US FILING DATE	PATENTED PENDING ABANDONED
PCT/US APPLICATION NO. PCT/US2004/022226	97/09/2004	
PC I (USING WALLS		
		<del>                                     </del>

I hereby appoint the following attorneys at the address listed below to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith and to receive all correspondence in connection with this application:

Donald C. Lucas, Registration No. 31,275 Michael N. Mercanti, Registration No. 33,966 Tamothy D. Meade, Registration No. 55,449 Laurence Manber, Registration No. 35,597 Otho B. Ross, Registration No. 32,754 Yandong Chen, Registration No. L0267 Hyun Soon Cho, Registration No. L0306

ADDRESS:

Lines & Mertanti, LLP 475 Park Avenue South New York, NY 10016 Tel: 212-661-8000 Fax: 212-661-8002

CUSTOMER NO. 20311

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopandize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR XLOOKING CHEN	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 1051 F3rd Street, Brooklyin, NY 11228, US	CITTZENSHIP Canada
POST OFFICE ADDRESS	
FULL NAME OF SECOND INVENTOR HAPPING HE	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 3552 128 Average, Brooklyn, NY 11218, US	CITIZENSHIP China.
POST OFFICE ADDRESS	
FULL NAME OF THIRD INVENTOR JOH KAWAKAM	DATE 4/12/08
INVENTOR'S SKENATURE OF OR OTHER HOURS, HI TO RESIDENCE STATE AND	CTTIZENSHIP United States
POST OFFICE ADDRESS	
FULL NAME OF FOURTH INVENTOR Alexander KISELYOV	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 4203 Shorepointe Way, San Diego, CA 92130, US	CITIZENSHIP Ukraine
POST OFFICE ADDRESS	

FULL NAME OF FIFTH INVENTOR XIZONU CUYANG	-
INVENTOR'S SIGNATURE	DATE
RESIDENCE 2802 Persons Boulevard, Flushing, NY 11354, US	CITIZENSHIP China
POST OFFICE ADDRESS	
FULL NAME OF SEXTH INVENTOR Voice PATTAROPONG	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 465 Saint Peter Drive, New Madrid, MO 63889, US	CITIZENSHIP United States
POST OFFICE ADDRESS	i anno antiga
FULL NAME OF SEVENTH INVENTOR Evguent PIATNETSKI	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 668 East 7th Street, Bipoklyn, NY 11230, US	CITIZENSHIP Russia
POST OFFICE ADDRESS	
FULL NAME OF EIGHTH INVENTOR Maria Carolina TUMA	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 68 Hunt Lans, East Haven, CT 06512, US	A STATE OF THE STA
POST OFFICE ADDRESS	
FULL NAME OF NINTH INVENTOR	
INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP
POST OFFICE ADDRESS	

DOCKET NO. 1017.39276-US1

### DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention emitted: HETEROCYCLIC COMPUNDS AND THEIR USE AS ANTICANCER AGENTS

the speci	fication of which (check only one item below):
	is attached hereto.
_X_ and was	was filed as United States Application No. or as PCT International Application No. 10/564267 on January 9, 2006 amended on (if applicable).
l hereby ameride	state that I have reviewed and understand the contents of the above identified application, including the claims, as
	viedge the duty to disclose information known to me to be material to patentability of this application as defined by
	The state of the s

### FOREIGN AND DOMESTIC PRIORITY CLAIMS UNDER 35 USC 119 AND PRIOR FOREIGN/PCT APPLICATIONS

Liberaby claim foreign or domestic priority benefits under 35 USC 119 or 365(b) for any United States provisional patent application or foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or under 35 USC 365(a) for any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's or plant breaker's rights certificate(s) or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priently is claimed:

COUNTRY/APPLICATION NO.	DATE OF FILING (day/month/year)	PRIORITY CLA 35 USC	IMED UNDER 119
(if PCT, indicate "PCT") US 60/485,963	07/09/2003	[X]YES	[ ]NO
		YES	] NO:

### PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120

I hereby claim the benefit under 35 USC 120 of any United States application(s) or PCT international application(s) designating the United States of America that is are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(5) in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PCT/US FILING DATE	PATENTED	PENDING	ABANDONED
07/09/2004		<u> X</u> j	
	<del>┈╎╌╏╌╏</del> ╌╾	<del></del>	
	PCT/US FILING DATE 07/09/2004		

I hereby appoint the following attorneys at the address listed below to prosecute this application and to transact all business in the U.S. Patent and Trademark Office-connected therewith and to receive all correspondence in connection with this application:

Donald C. Lucas, Registration No. 31,275 Michael N. Mercanti, Registration No. 33,966 Timothy D. Meade, Registration No. 55,449 Laurence Manber, Registration No. 35,597 Otho B. Ross, Registration No. 32,754 Yaodong Chen, Registration No. L0267 Ryan Soon Cho, Registration No. L0306

ADDRESS:

Lucas & Mercanti, LLP 475 Park Avenue South New York, NY 10016 Tel: 212-661-8000 Farc 212-661-8002

CLISTOMER NO. 20311

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR XINGLING CHEN	<del></del>
INVENTOR'S SIGNATURE	DATE
RESIDENCE 1051 73rd Street Brooklyn, NY 11228, US	CITIZENSHIP Canada
POST OFFICE ADDRESS	
FULL NAME OF SECOND INVENTOR Hal-Ying HE	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 3552 12th Avenue, Brooklyn, NY 11218; US	CITIZENSPRIP China
POST OFFICE ADDRESS	<u> </u>
FULL NAME OF THIRD INVENTOR JOH KAWAKAM	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 91 Morris Avenue, West Malord, NJ 07480, US	CITIZENSHIP United States
POST OFFICE ADDRESS	
FULL NAME OF FOURTH INVENTOR JUXANDER KISELYOV	1/2/2
INVENTOR'S SIGNATURE	DATE 04/13/2008 CITIZENSHIP thraine V.S.A. ASK
RESIDENCE 4203 Shorepointe Way, Sen Diego, CA 92136, US	CITIZENSHIP Waine U.S. H. 173
POST OFFICE ADDRESS	

FULL NAME OF FIFTH INVENTOR XBONU OUYANG	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 2802 Parsons Boulevard, Flushing, NY 11354, US	CITIZENSHIP China
POST OFFICE ADDRESS	
FULL NAME OF SIXTH INVENTOR Valee PATTAROPONG	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 465 Saint Peter Drive, New Madrid, MO 53889, US	CITIZENSKIP United States
POST OFFICE ADDRESS	
FULL NAME OF SEVENTH INVENTOR Evgueni PIATNITSKI	
INVENTOR'S SIGNATURE	DATE.
RESIDENCE 668 East 7th Street, Brooklyn, NV 11230, US	CITIZENSHIP Russia
POST OFFICE ADDRESS	
**	
FULL NAME OF EIGHTH INVENTOR Maria Camina TUMA	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 68 Hunt Lane, East Haven, CT 05512, US	CTTIZENSHIP Brazi
POST OFFICE ADDRESS	
FULL NAME OF NINTH INVENTOR	
INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP
POST OFFICE ADDRESS	

DOCKET NO. 1017.39276-UST

### DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

HETEROCYCLIC COMPUNDS AND THEIR USE AS ANTICANCER AGENTS

the specification of which (check only one item below):

_	is attached hereto.
	was filed as United States Application No. or as PCT International Application No. 10/564267 on January 9, 2006 amended on (if applicable).
hereby mende	state that I have reviewed and understand the contents of the above identified application, including the claims, as I by may amendment referred to above.

Lacknowledge the duty to disclose information known to me to be material to patentability of this application as defined by 37 CFR 1.56.

### FOREIGN AND DOMESTIC PRIORITY GLAIMS UNDER 35 USC 119 AND PRIOR FOREIGN/PCT APPLICATIONS

I hereby olaim foreign or domestic priority benefits under \$5 USC 119 or 365(b) for any United States provisional patent application or foreign application(s) for putent or inventor's or plant breeder's rights certificate(s) or under 35 USC 365(a) for any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject roatter flaving a filing date before that of the application(s) of which priority is claimed:

COUNTRY/APPLICATION NO. (if PCT, indicate "PCT")	DATE OF FILING (day/month/year)	PRIORITY CLA 35 USC	
US 60/485,963	07/09/2003	[X]YES	[ ] NO
		I IYES	I NO

# PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 128.

I hereby claim the benefit under 35 USC 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PCIYUS APPLICATION NO.	PCT/US FILING DATE	PATENTED PENDING ABANDONED
PCT/US2004/022226	07/09/2004	
		<u> </u>

I hereby appoint the following attorneys at the address listed below to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith and to receive all correspondence in connection with this application;

Donald C. Lucas, Registration No. 31,275 Michael N. Mercanti, Registration No. 33,966 Timothy D. Meade, Registration No. 55,449 Laurence Manber, Registration No. 35,597 Otho B. Ross, Registration No. 32,754 Yaodong Chen, Registration No. L0267 Hyun Soon Cho, Registration No. L0306

ADDRESS:

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CUSTOMER NO. 20311

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR XLBOTING CHEN	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 1051 73rd Street, Brooklyn, NY 11228, US	CITIZENSHIP Canada
POST OFFICE ADDRESS	
FULL NAME OF SECOND INVENTOR Hal-Ying HE	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 3552:12th Avenue, Brooklyn, NY 11218, US	CTTIZENSHIP China
POST OFFICE ADDRESS T	
FULL NAME OF THIRD INVENTOR JOH KAWAKAMI	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 91 Morris Avenue, West Millord, NJ 07480, US	CITIZENSHIP United States
POST OFFICE ADDRESS	
FULL NAME OF FOURTH INVENTOR Alexander KISELYOV	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 4203 Shorepointe Way, San Diego, CA 92130, US	CITIZENSHIP Ukraine
POST ÖFFICE ADDRESS	

### INVENTOR IDENTIFICATION AND SIGNATURE (Con.)

FULL NAME OF FUTH INVENTOR XEEDIN OLIVANG	
INVENTOR'S SIGNATURE	DATE 4-11-2008
RESIDENCE 2802 Persons Goulevard, Flushing, NY 11354, US	CITIZENSRIP CIÈLE
POST OFFICE ADDRESS	
FULL NAME OF SEXTH INVENTOR VALUE PATFAROPONIC	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 466 Saint Peter Drive, New Marchid, MO 63859, US	CTTIZENSHIP United States
POST OFFICE ADDRESS	
FULL NAME OF SEVENTH INVENTOR EXPLINITING	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 868 East 7th Street, Brooklyn, NY 11230, US	CITIZENSHIP Russia
POST OFFICE ADDRESS	<u></u>
FULL NAME OF EIGHTH INVENTOR Maria Carolina TUMA	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 68 Hunt Lane, East Heven, CT 06512, US	CTTIZENSHIP Brazil
POST OFFICE ADDRESS	
FILL NAME OF MINTH INVENTOR	
INVENTOR'S SIGNATURE	DATE
RESIDENCE	CTT127ENSHIP
POST OFFICE ADDRESS	

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DOCKET NO. 1017.39276-USI

### DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

| COMPLINES AND THEIR USE AS ANTICANCER AGENTS

HETEROCYCLIC COMPUNDS AND THEIR USE AS ANTICANCER AGENTS the specification of which (check only one item below); is attached hereto. was filed as United States Application No. or as PCT International Application No. 10/564267 on January 9, 2006 (if applicable). and was amended on I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information known to me to be material to patentability of this application as defined by 37 CFR 1.56. FOREIGN AND DOMESTIC PRIORITY CLAIMS UNDER 35 USC 119 AND PRIOR FOREIGN/PCT APPLICATIONS I hereby claim foreign or domestic priority benefits under 35 USC 119 or 365(b) for any United States provisional patent application or foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or under 35 USC 365(a) for any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's or plant breader's rights certificate(s) or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priently is claimed: PRIORITY CLAIMED UNDER DATE OF FILING COUNTRY/APPLICATION NO. 35 USC 119 (day/month/year) (if PCT, indicate "PCT") YES NO 07/09/2003 US 60/485,963 YES ] NO NO YES INO YES PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 124 I hereby claim the benefit under 35 USC 120 of any United States application(s) or PCT international application(s) designating the United States of America that is are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manuer provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application: PATENTED PENDING ABANDONED PCT/US FILING DATE PCT/US APPLICATION NO. 07/09/2004 PCT/US2004/022226

I hereby appoint the following attorneys at the address listed below to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith and to receive all correspondence in connection with this application:

Donald C. Lucas, Registration No. 31,275 Michael N. Mercanti, Registration No. 33,966 Timothy D. Meade, Registration No. 55,449 Laurence Manber, Registration No. 35,597 Otho B. Ross, Registration No. 32,754 Yaodong Chen, Registration No. L0267 Hyun Soon Cho, Registration No. L0306

ADDRESS:

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CUSTOMER NO. 20311

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR XENDING CHEN	
NVENTOR'S SIGNATURE	DATECanada
RESIDENCE 1051 73rd Street, Brooklyn, NY 11228, US	CITIZENSHIP Canada
OST OFFICE ADDRESS	
FULL NAME OF SECOND INVENTOR Hai-Ying HE	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 3552.12th Avenue, Brooklyn, NY 11218, US	CITIZENSHIP Chiria
POST OFFICE ADDRESS	
FULL NAME OF THIRD INVENTOR JOH KAWAKAMI	
FULL NAME OF THIRD INVENTOR JOH KAWAKAMI	DATE
FULL NAME OF THIRD INVENTOR Joel KAWAKAMI INVENTOR'S SIGNATURE	DATEUnited States
FULL NAME OF THIRD INVENTOR Joel KAWAKAMI INVENTOR'S SIGNATURE RESIDENCE 91 Morris Avenue, West Millord, NJ 07480, US	CITIZENSHIP United States
FULL NAME OF THIRD INVENTOR Joel KAWAKAMI INVENTOR'S SIGNATURE	CITIZENSHIP United States
FULL NAME OF THIRD INVENTOR Joel KAWAKAMI INVENTOR'S SIGNATURE RESIDENCE 91 Morris Avenue, West Millord, NJ 07480, US POST OFFICE ADDRESS	CITIZENSHIP United States
FULL NAME OF THIRD INVENTOR JOE! KAWAKAMI INVENTOR'S SIGNATURE  RESIDENCE 91 Morris Avenue, West Millord, NJ 07480, US  POST OFFICE ADDRESS  FULL NAME OF FOURTH INVENTOR Alexander KISELYOV	CITIZENSHIP United States
FULL NAME OF THIRD INVENTOR JOEI KAWAKAMI INVENTOR'S SIGNATURE  RESIDENCE 91 Morris Averue, West Millord, NJ 07480, US  POST OFFICE ADDRESS  FULL NAME OF FOURTH INVENTOR Alexander KISELYOV  INVENTOR'S SIGNATURE	CITIZENSHIP United States
FULL NAME OF THIRD INVENTOR JOE! KAWAKAMI INVENTOR'S SIGNATURE  RESIDENCE 91 Morris Avenue, West Millord, NJ 07480, US  POST OFFICE ADDRESS  FULL NAME OF FOURTH INVENTOR Alexander KISELYOV	CITIZENSHIP United States  DATE

FULL NAME OF FIFTH INVENTOR XBohu OUYANG	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 2802 Parsons Boulevard, Flushing, NY 11354, US	CITIZENSHIP China
POST OFFICE ADDRESS	
FULL NAME OF SIXTH INVENTOR Value PATTAROPONG	
INVENTOR'S SIGNATURE Value POTTANOP	DATE 4-11-2008
RESIDENCE 465 Salm Peter Drive, New Madrid, MO 63869, US	CITIZENSHIP United States
POST OFFICE ADDRESS	<u></u>
FULL NAME OF SEVENTH INVENTOR EVENUM PIATMETSKI	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 668 East 7th Street, Brooklyn, NY 11230, US	CITIZENSHIP Russia
POST OFFICE ADDRESS	· · · · · · · · · · · · · · · · · · ·
FULL NAME OF EIGHTH INVENTOR Maria Carolina TUMA	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 68 Hunt Lane, East Haven, CT 06512, US	
POST OFFICE ADDRESS	
	<u> </u>
FULL NAME OF NENTH INVENTOR	
INVENTOR'S SIGNATURE	DATE
RESIDENCE	CÎTIZENSHIP
POST OFFICE ADDRESS	

#### DOCKET NO. 1017.39276-US1

### DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I bereby declare that

My residence, post office address and citizenship are as stated below; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is chimied and for which a patent is sought on the inventor emitted:

HETEROCYCLIC COMPUNDS AND THEIR USE AS ANTICANCER AGENTS

the specification of which (check only one item below):

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## FOREIGN AND DOMESTIC PRIORITY CLARMS UNDER 35 USC 119 AND PRIOR FOREIGN/PCT APPLICATIONS

I higgly claim foreign or domestic printity becomes inder \$5 USC 119 or 365(b) for any United States provisional patent application or foreign application(s) for potent or inventor's or plant breeder's rights certificate(s) or under 35 USC 365(a) for any PCT international application(s) feelignating at least one country other than the United States of America listed below and bave also identified below any foreign application(s) for patent or inventor's or plant breader's rights certificate(s) or than PCT international application(s) designating at least one country other than the United States of America filled by the on the same international application(s) designating at least one country other than the United States of America filled by the on the same subject matter listed as a filling date before that of the application(s) of which priority is claimed:

COUNTRY/APPLICATION NO.	DATE OF FELING	PRIORITY CLA	
US 60/485,963	67/09/2003	[X]YES	NO:
		YES	[] NO
		] YES	[ ]NO

# PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120

I hereby claim the benefit under 35 USC 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manager provided by the first paragraph of 35 USC 112, I extend wedge the doty to disclose material information as defined in 37 CFR 1.56 which occurred between the filing date of the prior application(s) and the mational or PCT international filing date of this application:

PCTYUS APPLICATION NO.	PCT/US FILING DATE	PATENTED	PENDING	ABANDONED
PCT/US2004/022226	07/09/2004		[X]	
			[]	
<del>,</del>				

I hereby appoint the following attimutes at the address listed below to prosecute this application and to transact all business in the U.S. Paper and Trademark Office connected there with and to receive all correspondence in connection with this application:

Donald C. Lucas, Registration No. 31,275 Michael N. Mercanti, Registration No. 35,866 Temothy D. Meade, Registration No. 55,349 Laurence Manher, Registration No. 35,597 Otto B. Rots, Registration No. 32,754 Yandong Chen, Registration No. L0267 Ryth Soon Cho, Registration No. L0306

ADDRESS:

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Lines & Mercani, LLP 475 Park Avenue South New York, NY 10016 Tel: 212-661-8000 Fax: 212-661-8002

CUSTOMER NO. 20311

I hereby declars that all statements made beroin of my own knowledge are true and that all statements made on information and the believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may proposed the validate of the specification or any patent issued thousant.

DATE  RESIDENCE 10RI FINI STEEL BROKKIN, NY 11228, US  CITIZENSHIP Caugidg  POST OFFICE ADDRESS  FULL NAME OF SECOND INVENTOR Hal-Year HE INVENTOR'S SIGNATURE DATE  RESIDENCE 8662 12th America, Brocklyn, NY 11218, US  CITIZENSHIP Childle  FOST OFFICE ADDRESS  FULL NAME OF TRIRD INVENTOR JOSE KAWAKAMI  INVENTOR'S SURNATURE DATE  RESIDENCE 91 Monts Avenue, West-Millord, NJ 07480, US  CITIZENSHIP United States  FULL NAME OF FOURTH INVENTOR Alexander KISELYOV  INVENTOR'S SIGNATURE  DATE  POST OFFICE ADDRESS  FULL NAME OF FOURTH INVENTOR Alexander KISELYOV  INVENTOR'S SIGNATURE  DATE  RESIDENCE 4203 Shoreppinie Way, Said Diego, CA 82130, US  CITIZENSHIP Utvaine	FULL NAME OF SOLE OR PIKST INVERTOR XENDER CHEN	
POST OFFICE ADDRESS  FULL NAME OF SECOND INVENTOR Hal-Year HE  INVENTOR'S SIGNATURE  POST OFFICE ADDRESS  FULL NAME OF SECOND INVENTOR Hal-Year HE  INVENTOR'S SIGNATURE  POST OFFICE ADDRESS  FULL NAME OF THIRD INVENTOR JOSE KAWAKAMI  INVENTOR'S SIGNATURE  POST OFFICE ADDRESS  FULL NAME OF TOURTS West Maiord, NJ 07480, US  CTUZENSHIP Unlad States  FULL NAME OF FOURTH INVENTOR Alexander KISELYOV  INVENTOR'S SIGNATURE  POST OFFICE ADDRESS  FULL NAME OF FOURTH INVENTOR Alexander KISELYOV  INVENTOR'S SIGNATURE  POST OFFICE ADDRESS  FULL NAME OF FOURTH INVENTOR Alexander KISELYOV  INVENTOR'S SIGNATURE  RESIDENCE 4203 Shoreppinte Way, San Diego, CA 82130, US  CTIZENSHIP Utraine  POST OFFICE ADDRESS		DATE
FULL NAME OF SECOND INVENTOR Hal-Year HE INVENTOR'S SIGNATURE DATE RESIDENCE 8562 1205 Avable, Brooklyn, NY 11218, US CITTIZENSHIP CHIRA FOST OFFICE ADDRESS  FULL NAME OF THIRD INVENTOR JOSE KAWAKAMI INVENTOR'S SIGNATURE DATE RESIDENCE 91 Monts Avenue, West Melord, NJ 07480, US CITTIZENSHIP Unded States  FULL NAME OF FOURTH INVENTOR Alexander KISELYOV INVENTOR'S SIGNATURE DATE RESIDENCE 4203 Shorepainte Way, San Diego, CA 82130, US CITTIZENSHIP Utraine  POST OFFICE ADDRESS  CITTIZENSHIP Utraine	RESIDENCE 1951 73rd Street, Broodlyn, NY 11228, US	CITIZENSHIP Canada
INVENTOR'S SIGNATURE  RESIDENC'S SIGNATURE  ROST OFFICE ADDRESS  FULL NAME OF THIRD INVENTOR JOSE KAWAKAMI  INVENTOR'S SIGNATURE  RESIDENCE 91 Mon's Avenue, West Maiord, NJ 07480, US  CITIZENSHIP Under States  FULL NAME OF FOURTH INVENTOR Alexander KISELYOV  INVENTOR'S SIGNATURE  POST OFFICE ADDRESS  FULL NAME OF FOURTH INVENTOR Alexander KISELYOV  INVENTOR'S SIGNATURE  RESIDENCE 4203 Shoreppinie Way, San Diego, CA 92130, US  CITIZENSHIP Ukraine  POST ÖFFICE ADDRESS	POST OFFICE ADDRESS	
INVENTOR'S SIGNATURE  RESIDENC'S SIGNATURE  ROST OFFICE ADDRESS  FULL NAME OF THIRD INVENTOR JOSE KAWAKAMI  INVENTOR'S SIGNATURE  RESIDENCE 91 Mon's Avenue, West Maiord, NJ 07480, US  CITIZENSHIP Under States  FULL NAME OF FOURTH INVENTOR Alexander KISELYOV  INVENTOR'S SIGNATURE  POST OFFICE ADDRESS  FULL NAME OF FOURTH INVENTOR Alexander KISELYOV  INVENTOR'S SIGNATURE  RESIDENCE 4203 Shoreppinie Way, San Diego, CA 92130, US  CITIZENSHIP Ukraine  POST ÖFFICE ADDRESS	FULL, NAME OF SECOND INVENTOR HELYOU HE	
RESIDENCE #562 1215 Average, Brooklyn, NY 11218, US  FOST OFFICE ADDRESS  FULL NAME OF THIRD INVENTOR JOSE KAWAKAMI  INVENTOR'S SIGNATURE  FOST OFFICE ADDRESS  FULL NAME OF FOURTH INVENTOR Alexander KISELYOV  INVENTOR'S SIGNATURE  INVENTOR'S SIGNATURE  INVENTOR'S SIGNATURE  POST OFFICE ADDRESS  FULL NAME OF FOURTH INVENTOR Alexander KISELYOV  INVENTOR'S SIGNATURE  RESIDENCE 4203 Shoreppinie Way, San Diego, CA \$2130, US  CITIZENSHIP Ukraine  POST OFFICE ADDRESS		DATÉ
FULL NAME OF THIRD INVENTOR JOSE KAWAKAMI  INVENTOR'S SIGNATURE DATE  RESIDENCE 91 Monts Avenue, West Melord, NJ 07480, US CITIZENSHIP Unded States  POST OFFICE ADDRESS  FULL NAME OF FOURTH INVENTOR Alexander KISELYOV  INVENTOR'S SIGNATURE DATE  RESIDENCE 4203 Shoreppinte Way, San Diego, CA 92130, US CITIZENSHIP Utraine  POST OFFICE ADDRESS	RESIDENCE 8562 1215 Avanue, Brooklyn, NY 11218, US	CITIZENSHIP Childs
INVENTOR'S SIGNATURE  RESIDENCE 91 Mon's Avenue, West-Maiord, NJ 07480, US  CITIZENSHIP United States  POST OFFICE ADDRESS  FULL NAME OF FOURTH INVENTOR Alexander KISELYOV  INVENTOR'S SIGNATURE  RESIDENCE 4203 Shoreppinte Way, San Diego, CA 92130, US  CITIZENSHIP Ukraina  POST OFFICE ADDRESS	Post office Address	
INVENTOR'S SIGNATURE  RESIDENCE 91 Mon's Avenue, West-Maiord, NJ 07480, US  CITIZENSHIP United States  POST OFFICE ADDRESS  FULL NAME OF FOURTH INVENTOR Alexander KISELYOV  INVENTOR'S SIGNATURE  RESIDENCE 4203 Shoreppinte Way, San Diego, CA 92130, US  CITIZENSHIP Ukraina  POST OFFICE ADDRESS	FULL NAME OF THIRD INVENTOR JOH KAWAKAMI	
RESIDENCE 91 Mon's Avenue, West-Maland, NJ 07480, US  CITIZENSHIP Unded States  POST OFFICE ADDRESS  FULL NAME OF FOURTH INVENTOR Alexander Kisel-YOV  INVENTOR'S SIGNATURE DATE  RESIDENCE 4203 Shoreppinte Way, San Diego, CA 82130, US  CITIZENSHIP Ukraine  POST OFFICE ADDRESS		DATE
POST OFFICE ADDRESS  FULL NAME OF FOURTH INVENTOR Alexander KISELYOV  INVENTOR'S SIGNATURE DATE  RESIDENCE 4203 Shoreppinte Way, San Diego, CA 92130, US CITIZENSHIP Livraine  POST OFFICE ADDRESS		CITIZENSHIP United States
INVENTOR'S SIGNATURE DATE  RESIDENCE 4203 Shoreppinte Way, San Diego, CA 92130, US CITIZENSHIP Ukraine  POST OFFICE ADDRESS	POST OFFICE ADDRESS	
INVENTOR'S SIGNATURE DATE  RESIDENCE 4203 Shoreppinte Way, San Diego, CA 92130, US CITIZENSHIP Ukraine  POST OFFICE ADDRESS	FULL NAME OF FOURTH INVENTOR Alexander KISELYOV	
RESIDENCE 4203 Shoreppinte Way, San Diego, CA 92130, US CITIZENSHIP Ukraina POST ÖFFICE ADDRESS		DATE
POST ÖFFICE ADDRESS		CITIZENSHIP Ukraina
	POST ÖFFICE ADDRESS	

FULL NAME OF FIFTH INVENTOR XEGIN GUYANG	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 2602 Persons Coulevart, Flishing, NY 15354, US	CITIZENSHIP China
POST OFFICE ADDRESS	
FULL NAME OF SIXTH INVENTOR Value PATTAROPONG	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 465 Salnt Peler Dinvs, New Madfid, MO 53869, US	CITIZENSRIP United States
POST OFFICE ADDRESS_	
	DATE 04/10/2008 SCITIZENSHIP USA
FULL HAME OF EIGHTE INVENTOR Meria Carolina TUMA	
INVENTOR'S SIGNATURE	DATE
RESIDENCE 68 Hunt Lane, East Haven, CT 05812, US	CITIZENSHIP BAZI
POST OFFICE ADDRESS	
FULL NAME OF NINCH INVENTOR	
INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP
POST OFFICE ADDRESS	

DOCKET NO. 1017.39276-USI

#### DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

HETEROCYCLIC COMPUNDS AND THEIR USE AS ANTICANCER AGENTS
he specification of which (check only one item below):
is attached hereto.
X was filed as United States Application No. or as PCT International Application No. 10/564267 on January 9, 2006 and was amended on (if applicable).
hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above.
acknowledge the duty to disclose information known to me to be material to patentability of this application as defined by 37 CFR 1.56.

## FOREIGN AND DOMESTIC PRIORITY CLAIMS UNDER 35 USC 119 AND PRIOR FOREIGN/PCT APPLICATIONS

I hereby claim foreign or domestic priority benefits under 35 USC 119 or 365(b) for any United States provisional patent application or foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or under 35 USC 365(a) for any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a liling date before that of the application(s) of which priority is claimed:

COUNTRY/APPLICATION NO. (if PCT, indicate "PCT")	DATE OF FILING (day/month/year)	PRIORITY CLA 35 USC	
US 60/485.963	07/09/2003	[X]YES	[ ]NO
03 00/405:505		[ ] YES	[ ] NO
		[ ] YES	[ ] NO
		[ ] YES	[ ] NO

# PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120

I hereby claim the benefit under 35 USC 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PCT/US APPLICATION NO.	PCT/US FILING DATE	PATENTED	PENDING	ABANDONED
PCT/US2004/022226	07/09/2004		[X]	
		[ ]		
				[_]
		[ ]		[_]

I hereby appoint the following attorneys at the address listed below to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith and to receive all correspondence in connection with this application:

Donald C. Lucas, Registration No. 31,275 Michael N. Mercanti, Registration No. 33,966 Timothy D. Meade, Registration No. 55,449 Laurence Manber, Registration No. 35,597 Otho B. Ross, Registration No. 32,754 Yandong Chen, Registration No. L0267 Hyun Soon Cho, Registration No. L0306

ADDRESS:

Lucas & Mercanti, LLP 475 Park Avenue South New York, NY 10016 Tel: 212-661-8000 Fox: 212-661-8002

CUSTOMER NO. 20311

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR Xiaoling CHEN		
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INVENTOR'S SIGNATURE Woods	DATE 4/18/8
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FULL NAME OF NINTH INVENTOR	
INVENTOR'S SIGNATURE	
RESIDENCE	
POST OFFICE ADDRESS	

# Exhibit B





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**IMCLON** 

### United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS

P.O. Box 1450 Alexandria, Vinginia 22313-1450

Inclos 33-070

U.S. APPLICATION NUMBER NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO. 11245/49902

10/564.267

Lerner, David, Littenberg, Krumholz & Mentlik, LLP

Xiaoling CHEN

INTERNATIONAL APPLICATION NO.

PCT/US2004/022226

PRIORITY DATE

I.A. FILING DATE

07/09/2004

07/09/2003

**CONFIRMATION NO. 8844 371 FORMALITIES LETTER** 



Date Mailed: 08/25/2008

600 South Avenue West Westfield, NJ 07090

### NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Priority Document
- Copy of the International Application filed on 01/09/2006
- Copy of the International Search Report filed on 01/09/2006
- Oath or Declaration filed on 04/18/2008
- Request for Immediate Examination filed on 01/09/2006
- U.S. Basic National Fees filed on 01/09/2006
- Priority Documents filed on 01/09/2006
- Specification filed on 01/09/2006
- Claims filed on 01/09/2006
- Abstracts filed on 01/09/2006

Applicant's response filed 04/18/2008 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 11/21/2007 have not been completed.

The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- · Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - The oath sent in is not legible. Names and addresses are not clear. Joel Kawakami's address was changed and hand written. Evgueni Piantnitski's name has changed to Eugene L. Piatnitski Chekler without documentation. John Kincaids signature is not on the declaration.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

page 1 of 2

LDLK&M

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FORM PCT/DO/EO/916 (371 Formalities Notice)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web. <a href="https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html">https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html</a>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <a href="http://www.uspto.gov/ebc.">http://www.uspto.gov/ebc.</a>

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ULYSSES G WALKER

Telephone: (703) 308-9290 EXT 130

# Exhibit C

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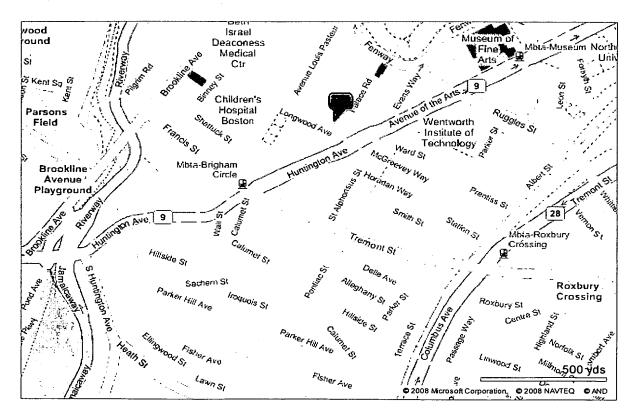
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